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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/542,529	07/15/2005	Heino Heckmann	2003DE101	5520
25255 7590 01/24/2007 CLARIANT CORPORATION INTELLECTUAL PROPERTY DEPARTMENT 4000 MONROE ROAD CHARLOTTE, NC 28205			EXAMINER KOSACK, JOSEPH R	
			ART UNIT	PAPER NUMBER
			1626	
			MAIL DATE	DELIVERY MODE
			01/24/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/542,529

Applicant(s)

HECKMANN ET AL.

Examiner

Joseph Kosack

Art Unit

1626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8, 11 and 13 is/are rejected.
- 7) ☒ Claim(s) 1-7, 9, 10, 12, 14 and 15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☒ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Claims 1-15 are pending in the instant application.

Amendments

The amendment to the claims filed November 8, 2006 has been acknowledged and has been entered into the application file.

Election/Restrictions

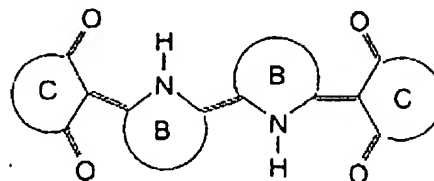
In the previous action, a telephonic provisional election was made of Group II (claims 1-6 (in part) and 12 (in part) was made by Anthony A. Bisulca on July 31, 2006. Through a miscommunication between the Examiner and Mr. Bisulca, Mr. Bisulca believed he was electing the compound of Example 2, which was not listed in the exemplary groups. The Examiner has allowed a new election made in the submission of November 8, 2006 by Richard P. Silverman to build a group of compounds around Example 2 of the specification. The scope of elected subject matter will be set out below in the Status of the Claims section.

Status of the Claims

Claims 1-15 are pending in the instant application. Claims 1-15 (in part) are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention. The withdrawn subject matter is patentably distinct from the elected subject matter as it differs in the structure and element and would require separate search considerations. In addition, a reference, which anticipates one group, would not render obvious the other.

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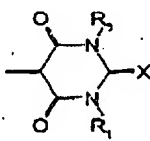
Pursuant to Applicant's election, the scope of the invention will be limited to the



following substitutions of the base structure

where:

- B is orthophenylene;



- C is
- All other substituents are as defined.

As a result of the election and the corresponding scope of the invention defined supra, the remaining subject matter of Claims 1-15 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to non-elected inventions.

Previous Claim Objections

Claims 1-7 and 12 were objected to in the previous action for containing elected and non-elected subject matter. The objection will be maintained, as there is still non-elected subject matter in the claims.

Previous Claim Rejections - 35 USC § 112

Claim 12 was rejected in the previous action under 35 U.S.C. 112, second paragraph for lack of antecedent basis. The antecedent basis was corrected in the amendment of November 8, 2006 and the rejection is withdrawn.

Previous Claim Rejections - 35 USC § 103

Claims 1-7 and 12 were rejected in the previous action under 35 U.S.C. 103(a) as being unpatentable over Davies (USPN 2,254,354). Applicant's arguments have been found to be persuasive, especially since the rejection does not apply to the newly elected subject matter, and the rejection is withdrawn.

Claim Objections

Claims 1-15 are objected to for containing elected and non-elected subject matter. The elected subject matter have been identified supra.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 8, 11, and 13 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The instant claims are directed to organic and/or inorganic materials of low and/or high molecular mass. It is unclear from searching the original disclosure what the metes and bounds are of the terms low molecular mass and high molecular mass. Applicant is invited to either cancel the claims or to provide an analogous art reference in which the terms are defined for materials comprising a colorant.

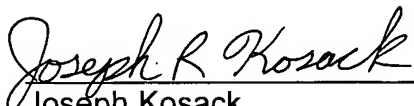
Conclusion

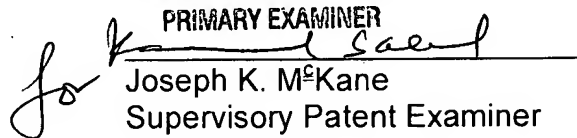
Claims 8, 11, and 13 are rejected. Claims 1-15 are objected to. All claims are currently free of the art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Kosack whose telephone number is (571)-272-5575. The examiner can normally be reached on M-F 5:30 A.M. until 2:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph M^cKane can be reached on (571)-272-0699. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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Patent Examiner
Art Unit 1626

KAMAL A. SAEED, PH.D.
PRIMARY EXAMINER

for Joseph K. M^cKane
Supervisory Patent Examiner
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